

Message Text

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ACTION IO-06

INFO OCT-01 EUR-12 ISO-00 EB-06 AF-10 ARA-10 EA-10 NEA-10

RSC-01 OIC-02 L-02 PM-03 NSC-05 SP-02 SS-15 CIAE-00

COME-00 DODE-00 DOTE-00 FMC-02 INR-07 NSAE-00 CG-00

COA-01 DLOS-05 SWF-01 /111 W
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R 211814Z OCT 74

FM AMEMBASSY LONDON

TO SECSTATE WASHDC 4971

UNCLAS SECTION 01 OF 02 LONDON 13710

E.O. 11652: N/A

TAGS: IMCO

SUBJECT: IMCO EXTRAORDINARY ASSEMBLY - FRENCH AND
JAPANESE PROPOSALS

REF: (A) STATE 226281; (B) STATE 227170;
(C) LONDON 13484; (D) LONDON 13599

1. SUMMARY - IMCO 5TH EXTRAORDINARY ASSEMBLY DECIDED
TO ESTABLISH AD HOC WORKING GROUP TO CONSIDER FURTHER
AMENDMENTS TO CONVENTION PROPOSED BY FRANCE. JAPANESE
PROPOSAL TO CLARIFY MSC VOTING PROCEDURES WHEN ACTING
UNDER AUTHORITY CONFERRED BY CONVENTIONS WITHDRAWN FOR
LACK OF SUPPORT. END SUMMARY

2. FOLLOWING ADOPTION BY EXTRAORDINARY ASSEMBLY
OF AMENDMENTS TO IMCO CONVENTION PROVIDING FOR
ENLARGEMENT OF COUNCIL AND OPEN-ENDED MSC, CONSIDERATION
OF FURTHER AMENDMENTS PROPOSED BY FRANCE WAS CONFINED
PRINCIPALLY TO ARRIVING AT PROCEDURAL DECISION TO
ESTABLISH NEW AD HOC WORKING GROUP TO CONVENE
FEBRUARY 17-21, 1975 WITH FOLLOWING TERMS OF REFERENCE:
QTE TO STUDY THE PROPOSALS ON AMENDMENTS TO THE IMCO
CONVENTION SUBMITTED BY THE GOVERNMENT OF FRANCE, THE
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COMMENTS MADE DURING THE 5TH EXTRAORDINARY ASSEMBLY, AND

ANY OTHER PROPOSAL WHICH MAY BE SUBMITTED TO AMEND THE IMCO CONVENTION UNQTE.

3. ALLUSION IN TERMS OF REFERENCE TO COMMENTS MADE DURING EXTRAORDINARY ASSEMBLY REFERS MAINLY TO NOTE CIRCULATED BY NETHERLANDS WHICH TOOK ISSUE WITH PRACTICAL NEED TO ENHANCE POWERS OF COUNCIL, TO ELEVATE STATUS OF LEGAL COMMITTEE, OR TO CONSTITUTE MEPC WITHIN CONVENTION. ONCE FRENCH DELEGATION HAD INTRODUCED FRENCH PROPOSALS, AND NETHERLANDS HAD INTRODUCED ITS NOTE COMMENTING ON THESE, LDC DELEGATIONS MOVED QUICKLY TO DEFER FURTHER SUBSTANTIVE CONSIDERATION. FRENCH EFFORT TO HAVE AT LEAST AMENDMENT TO ARTICLE 1 ADOPTED, WHICH WOULD HAVE INSCRIBED LEGAL COMMITTEE AND MEPC IN CONVENTION (AND PAVED WAY FOR SUBSEQUENT ADOPTION OF OTHER AMENDMENTS FRANCE PROPOSES) FOUND NO SUPPORT.

4. MOST DELEGATIONS FOUND IT IMPOSSIBLE TO COPE WITH ELABORATE FRENCH PROPOSALS IN PRESENT BRIEF EXTRAORDINARY ASSEMBLY, AND LDC DELEGATION WERE EMPHATICALLY OF VIEW THAT AMENDMENTS EXPANDING COUNCIL AND MSC SHOULD GO FORWARD FOR MOST EXPEDITIOUS RATIFICATION UNENCUMBERED BY FURTHER AMENDMENTS. MOOD OF ASSEMBLY WAS NOT HOSTILE, HOWEVER, TO FRENCH PROPOSALS, BUT CAUTIOUS AND DEMANDING OF CAREFUL STUDY.

5. WHILE SOME DELEGATIONS (NOTABLY USSR) PRIVATELY EXPRESSED CONCERN THAT TERMS OF REFERENCE FOR NEW AD HOC WORKING GROUP COULD OPEN UP CONVENTION TO RADICAL REVISION, OVERRIDING CONCERN POINTED UP IN INTERVENTION BY SECRETARY GENERAL IN LIGHT OF EXPERIENCE WITH

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PREVIOUS AD HOC WORKING GROUP, WAS THAT TERMS OF
REFERENCE SHOULD BE CLEAR AND AVOID SUCH POTENTIALLY
CONTENTIOUS PHRASES AS "RELEVANT CONSEQUENTIAL
AMENDMENTS."

6. JAPANESE DELEGATION PRESENTED PROPOSAL TO AMEND
ARTICLE 43 OF CONVENTION TO MOVE PREAMBULAR EXCLUSIONARY
CLAUSE OF PRESENT 43(B) TO HEAD OF ARTICLE TO SERVE AS
EXCLUSIONARY CLAUSE FOR ARTICLE AS A WHOLE. OBJECTIVE
WAS TO ASSURE THAT VOTING ARRANGEMENTS EXPECTED TO BE
DEvised BY SOLAS CONFERENCE WOULD NOT CONFLICT
WITH MSC VOTING PROVISIONS. JAPANESE FAILED TO PERSUADE
OTHERS OF POTENTIAL CONFLICT THEY SAW, AND WITHDREW
PROPOSED AMENDMENT FROM FURTHER CONSIDERATION BY
EXTRAORDINARY ASSEMBLY. JAPANESE DELEGATION EXPECTED
TO PURSUE IDEA FOR AMENDMENT IN AD HOC WORKING GROUP.

7. EXTRAORDINARY ASSEMBLY SIMILARLY DECLINED TO ACT
ON DRAFT RESOLUTION TABLED BY JAPANESE DELEGATION
INTENDED AS INTERIM DEVICE FOR ACCOMPLISHING SAME
PURPOSE, ON BASIS RESOLUTION WAS PREMATURE PRIOR TO
SOLAS CONFERENCE JAPANESE DELEGATION INDICATED IT
WOULD TABLE RESOLUTION AGAIN AT NEXT REGULAR IMCO
ASSEMBLY IN FALL 1975 AS INTERIM SOLUTION PENDING ADOP-
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TION OF AMENDMENT. JAPANESE DO NOT WISH TO PURSUE INTERIM
RESOLUTION IDEA IN AD HOC WORKING GROUP, HOWEVER, IN
ORDER NOT TO PREJUDICE OUTCOME OF THIS IN NEXT
ASSEMBLY.

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